

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JANUARY 11, 2005 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting today. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                    PLEDGE OF ALLEGIANCE.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

ITEM-30:                    Approval of Council Minutes.

ITEM-31:                    George I. Loveland Day.  
MAYOR MURPHY’S RECOMMENDATION: Adopt the resolution.

### **NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Tuesday, January 11, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting today.**

The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

### **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Sea Breeze Carmel View Rezone. (Carmel Valley Community Plan Area. District 1.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 11/30/2004, Item 334, Subitem-C.
- ITEM-51: Communications Site Lease Agreement with the County of San Diego for the Lake San Marcos Peak Communications Site.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 12/07/2004, Item S501.
- ITEM-52: Six actions related to Multiple School Joint Use Agreements for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreation Facilities. (Pacific Beach, University, Scripps Miramar Ranch, Allied Gardens, Mid-City, and Clairemont Mesa Community Areas. Districts 1, 2, 5, 6, and 7.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances which were introduced on 12/07/2004, Item 55.
- ITEM-100: Sewer Pump Stations 34 & 5 Change Order No. 2. (Centre City Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Reprogramming of Community Development Block Grant (CDBG) Funds Related to HUD Section 108 Loan Repayments. (Districts 1, 2, 3, 4, 7, and 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Developer Fees FY 2004 Annual Report.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Pacific Beach Elementary School Joint Use Improvement Project. (Pacific Beach Community Area. District 2.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Construction of the Brown Field Airport Pavement Rehabilitation Project.  
(Otay Mesa Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Construction of the Montgomery Field Perimeter Fencing and Access  
Control Improvements – Phase II. (Kearny Mesa Community Area.  
District 6.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Grant Funds from Robert Wood Johnson Foundation for the Pathways to  
Knowledge Project. (San Ysidro Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Construction of Electronic Speed Limit Signs in Miramar Ranch North.  
(Miramar Ranch North Community Area. District 5.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Ratifying the Election Results for the Centre City Redevelopment Project  
Area Committee (PAC) and Centre City Advisory Committee (CCAC).  
(Centre City Redevelopment Project. District 2.)  
CENTRE CITY DEVELOPMENT CORPORATION'S  
RECOMMENDATION: Adopt the resolution.
- ITEM-109: Sewer Easement Vacation in Lots 3 and 4, Block 14, of La Jolla Park Map  
No. 352. (La Jolla Community Area. District 1.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Sale of a Portion of Water Department Land to the Padre Dam Municipal  
Water District. (Santee.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-111:           Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-112:           Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-113:           Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-114:           Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Committee Items

- ITEM-150:           Bid Protest Bonds and Clean Up Revisions to City's Public Contracting Ordinance.  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 08/04/2004, NR&C voted 4 to 0 to approve the City Manager's recommendations.
- ITEM-151:           Torrey Pines Golf Course Projects. (University Community Area. District 1.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 11/17/2004, NR&C voted 4 to 0 to (1) accept the report; 2) refer the tee-time issue to come back to the Natural Resources and Culture Committee in 90-120 days and revisit the brokerage issues at that time; 3) regarding the Volunteer Divot Program, direct the City Manager to meet with the marshals and the volunteers the golf course has lost to find out what would be acceptable in order to bring them back; and 4) direct the City Manager to grandfather in the Back 9 issue into the rate structure.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adopt Agenda, Discussion, Other Legislative Items

ITEM-200: Amending the San Diego Municipal Code Related to the City's Contribution.  
CITY ATTORNEY'S RECOMMENDATION: Introduce the ordinance.

ITEM-201: Revised Master Plan for Undergrounding of Utilities – Fiscal Year 2005 Annual Allocation. (Citywide.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Public Notices

ITEM-250: **Notice** of Settlement Claim Against the Performance Bond of M. L. Little Beaver Construction Company for Completion Costs of the Beckworth Library Construction Project.

ITEM-251: **Notice** of Pending Final Map Approval - LXJ Condominiums.

ITEM-252: **Notice** of Pending Final Map Approval – Sycamore Estates Phase II.

ITEM-253: **Notice** of Pending Final Map Approval – 3783 36<sup>th</sup> Street.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

**SPECIAL ORDERS OF BUSINESS**

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

11/15/2004  
11/16/2004 - Adjourned  
11/22/2004  
11/23/2004  
11/29/2004  
11/30/2004  
12/01/2004 - Special Meeting

ITEM-31: George I. Loveland Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-711)

Recognizing the retirement of George I. Loveland, a public servant that demonstrated recognized leadership and earned respect from personal and business associates for his integrity and honorable conduct. George is respected as a proven manager who exemplifies the highest level of personal development and professional management;

Proclaiming January 11, 2005, to be "George I. Loveland Day" in the City of San Diego.

### **NON-AGENDA PUBLIC COMMENT**

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#### **Information Item - No Action Required - The City Council shall:**

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**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, and 52.

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

\* ITEM-50: Sea Breeze Carmel View Rezone.

(Carmel Valley Community Plan Area. District 1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/30/2004, Item 334, Subitem-C. (Council voted 8-0. District 4-vacant):

(O-2005-68)

Rezoning 5.4 acres located at the south west corner of Shaw Ridge Road and Carmel Creek Road, within the Carmel Valley Community Plan area, in the City of San Diego, California, from the Carmel Valley Planned District SF2 and OS Zones into the Carmel Valley Planned District NC Zone, as defined by San Diego Municipal Code Sections 103.0610 and 103.0614.

\* ITEM-51: Communications Site Lease Agreement with the County of San Diego for the Lake San Marcos Peak Communications Site.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/07/2004, Item S501. (Council voted 7-0. Councilmember Inzunza not present. District 4-vacant):

(O-2005-67)

Authorizing the City Manager to execute a 10-year Communications Site Lease with the County of San Diego for the installation, operation, and maintenance of a new paging transmitter on a portion of Lake San Marcos Peak located in the County of San Diego at a monthly rent of \$500 with an annual increase, under the terms and conditions set forth in the Communications Site Lease Agreement.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-52: Six actions related to Multiple School Joint Use Agreements for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreation Facilities.

(Pacific Beach, University, Scripps Miramar Ranch, Allied Gardens, Mid-City, and Clairemont Mesa Community Areas. Districts 1, 2, 5, 6, and 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 12/07/2004, Item 55. (Council voted 7-0. Councilmember Inzunza not present. District 4-vacant):

Subitem-A: (O-2005-69)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf and lighted fields and recreational facilities at Lewis Middle School Site.

Subitem-B: (O-2005-70)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf fields and recreational facilities at Jerabek Elementary School Site and making funding provisions.

Subitem-C: (O-2005-72)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf fields and recreational facilities at Crown Point Elementary School Site.

Subitem-D: (O-2005-73)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf fields and recreational facilities at Doyle Elementary School Site.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

\* ITEM-52: (Continued)

Subitem-E: (O-2005-74)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turfed fields and recreational facilities at Mann Middle School Site.

Subitem-F: (O-2005-75)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of lighted fields and recreational facilities at Marston Middle School Site.

**NOTE:** 6 votes required pursuant to Section 99 of the San Diego City Charter.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-100: Sewer Pump Stations 34 and 5 Change Order No. 2.

(Centre City Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-696)

Authorizing the City Manager to enter into negotiations with T.C. Construction, Inc. for Change Order No. 2 and to execute said Change Order in an amount not to exceed \$750,000, in connection with the contract for Sewer Pump Stations 34 and 5;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$750,000 from Sewer Fund 41506, CIP-46-602.6, Sewer Pump Station 79 to Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station;

Authorizing the expenditure of an amount not to exceed \$839,948 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station, solely and exclusively for the purpose of providing funds for Sewer Pump Stations 34 and 5, Change Order No. 2, and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Pump Station 34 and Sewer Pump Station 5 are located within the Centre City Community area near the intersection of Harbor Drive and Crosby Street. The existing ventilation, electrical, and control equipment for SPS 34 was installed in 1948 and is worn and obsolete. The Project's goal is to eliminate SPS 34, upgrade SPS 5, and divert the flow via gravity main from SPS 34 to SPS 5. Advertising of this Project was approved by the City Council on March 17, 2003, and the award to T.C. Construction, Inc., the lowest responsible and reliable bidder, was approved on August 4, 2003.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

During the installation of the gravity main, the underground water was found to be excessively contaminated with petroleum hydrocarbons including gasoline, which required a complex treatment process prior to its disposal. During dewatering operations, flammable gases were encountered which required declaring the Project Site a "clean up site" as defined by OSHA as of September 2, 2004. The Contractor was directed to obtain specialized HAZWOPER (Hazardous Waste Operations and Emergency Response) training and proceed with the work under those strict safety requirements.

The extent of the contamination encountered was unanticipated. Soil investigations done during design did not discover any significant soil or groundwater contamination at the Project Site. Neither the City nor its Contractor is considered to be a source or cause of the contamination. Project staff is working with the Regional Water Quality Control Board (RWQCB) to determine the source and the responsible party for the release. Based on the results of the investigations, Project Staff will evaluate its options for cost recovery against the responsible party.

The additional work to be completed within the scope of Change Order #2 is necessary in order to complete the demolition of SPS 34 and meet the City's deadline as specified under EPA requirements. It is recommended that this work be completed expeditiously to avoid any impacts to residents, institutions, and businesses in the vicinity of the Project Site.

**FISCAL IMPACT:**

This request for \$839,948 for this purpose is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration for this purpose.

Mendes/Boekamp/HR

Aud. Cert. 2500593.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-101: Reprogramming of Community Development Block Grant (CDBG) Funds  
Related to HUD Section 108 Loan Repayments.

(Districts 1, 2, 3, 4, 7, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-700)

Authorizing the City Manager to reprogram an amount not to exceed \$395,684 from HUD 108 loan repayment accounts to Council District Reserve Accounts as follows:

- Reprogram \$409 into District 1's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1601) by transferring funds from Fund 18540, Dept. 4315, Org. 1511 (Section 108 Loan Repayment for the proposed Food Bank Loan)
- Reprogram \$31,632 into District 2's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1602) from Fund 18540, Dept. 4315, Org. 1509 (Section 108 Loan Repayment for the Ocean Beach Library)
- Reprogram \$71,799 into District 3's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1603) by transferring funds from the following accounts:
  1. \$10,000 from Fund 18539, Dept. 4285, Org 8518 (Section 108 Loan Repayment for the proposed Food Bank loan)
  2. \$1,249 from Fund 18540, Dept. 4315, Org 1511 (Section 108 Loan Repayment for the proposed Food Bank loan)
  3. \$2,807 from Fund 18540, Dept. 4315, Org. 1506 (Section 108 Loan Repayment for the proposed LGBT Center loan)
  4. \$53,743 from Fund 18540, Dept. 4315, Org. 1505 (Section 108 Loan Repayment for the D-3 Public Improvements loan)
  5. \$4,000 from Fund 18540, Dept. 4315, Org. 1516 (Section 108 Loan Repayment for the proposed Vietnamese Federation loan)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

- Reprogram \$207,733 into District 4's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1604) by transferring funds from the following accounts:
  - 1. \$50,799 from Fund 18539, Dept. 4285, Org. 8504 (Section 108 Loan Repayment for the D-4 Senior Center loan)
  - 2. \$156,934 from Fund 18540, Dept. 4315, Org. 1512 (Section 108 Loan Repayment for the D-4 Senior Center loan)
- Reprogram \$48,486 into District 7's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1607) by transferring funds from the following accounts:
  - 1. \$409 from Fund 18540, Dept. 4315, Org. 1511 (Section 108 Loan Repayment for the proposed Food Bank Loan)
  - 2. \$48,077 from Fund 18540, Dept. 4315, Org. 1503 (Section 108 Loan Repayment for the College Rolando Library.)
- Reprogram \$21,188 into the Loan Repayment Account for the Logan Heights Branch Library (Fund 18540, Dept. 4315, Org. 1507) by transferring funds from the following accounts:
  - 1. \$10,000 from Fund 18539, Dept. 4285, Org. 8506 (Section 108 Loan Repayment for the proposed Golden Hill Community Center loan)
  - 2. \$11,188 from Fund 18540, Dept. 4315, Org. 1510 (Section 108 Loan Repayment for the proposed Otay Mesa/Nestor Branch Library)
- Reprogram \$14,437 into District 8's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1608) by transferring funds from the following accounts:
  - 1. \$4,062 from Fund 18540, Dept. 4315, Org. 1510 (Section 108 Loan Repayment for the proposed Otay Mesa/Nestor Branch Library)
  - 2. \$9,126 from Fund 18539, Dept. 4285, Org. 8507 (Section 108 Loan Repayment for the proposed Logan Heights Family Health Center loan)
  - 3. \$1,249 from Fund 18540, Dept. 4315, Org. 1511 (Section 108 Loan Repayment for the proposed Food Bank Loan)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

Most of the City's Housing and Urban Development (HUD) Section 108 loans are repaid with Community Development Block Grant (CDBG) funds. Staff develops the CDBG budget each spring for the following fiscal year. For previously funded loans, the payment schedule is fixed and the exact amount needed each year is budgeted. For pending loans, staff estimates the amount of money needed for repayment based on the expected date of funding and applicable interest rates. If a loan is funded later than expected or at a lower interest rate than estimated, there can be excess CDBG funds. Conversely, if a loan is funded earlier than expected or at a higher interest rate than estimated, there may be a need to supplement what was originally budgeted for repayment. In addition, interest accrues on most loans. Since interest can be used only to repay the loan, there is a resulting offset of CDBG funds budgeted for repayment. Periodic readjustments of the amount of CDBG funds budgeted for Section 108 repayments usually results in CDBG funds that can be recaptured for other projects.

Staff has identified reprogramming adjustments, which have the following net effects:

District 1: Reprogramming \$409 that was budgeted for repayment of the proposed Food Bank loan by transferring that amount to District 1's CDBG Reserve Account.

District 2: Reprogramming \$31,632 that was budgeted for repayment of the Ocean Beach Library Loan by transferring that amount to District 2's Reserve Account.

District 3: Reprogramming \$71,799 that was budgeted for repayment of the Food Bank, LGBT, District 3 Public Improvements, and the Vietnamese Federation loans by transferring that amount to District 3's CDBG Reserve Account.

District 4: Reprogramming \$207,733 that was budgeted for repayment of the District 4 Senior Center loan by transferring that amount to District 4's CDBG Reserve Account.

District 7: Reprogramming \$48,486 that was budgeted for repayment of the Food Bank and the College-Rolando Library loans by transferring that amount to District 7's CDBG Reserve Account.

District 8: (1) Reprogramming \$21,188 that was budgeted for the Golden Hill Community Center and Otay Mesa/Nestor Library by transferring that amount to the repayment account for the Logan Heights Library and (2) Reprogramming \$14,437 that was budgeted for the Otay Mesa/Nestor Library, the Food Bank and the Logan Heights Family Health Center by transferring that amount into District 8's CDBG Reserve Account.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The CDBG funds transferred to Council District Reserve Accounts are available for CDBG eligible projects at the discretion of each respective Councilmember.

**FISCAL IMPACT:**

\$374,496 of CDBG funds will be transferred from HUD 108 loan repayment accounts to Council District Reserve Accounts; \$21,188 of CDBG funds will be transferred to the repayment account established for the Logan Heights Library.

Herring/Cunningham/ELL

Aud. Cert. 2500596.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: Developer Fees FY 2004 Annual Report.

(See City Manager Report No. CMR-05-003.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-620)

Accepting the Developer Fees Fiscal Year 2004 Annual Report, with attachments, as set forth in City Manager's Report No. 05-003;

Declaring that the City Council finds, with respect to funds reflected in the Developer Fees FY 2004 Annual Report as having been collected over five years before June 30, 2004, and as stated in Attachment 6 of the Developer Fees FY 2004 Annual Report, that the documentation: (1) Identifies the purpose to which the fee is to be put; (2) Demonstrates a reasonable relationship between the fee and the purpose for which it is charges; and (3) Identifies sources and amounts of funding anticipated to complete financing of incomplete improvements and the approximate dates on which such funding is expected to be deposited into the appropriate fund.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Pacific Beach Elementary School Joint Use Improvement Project.

(Pacific Beach Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-653)

Authorizing the City Auditor and Comptroller to transfer \$20,000 from CIP-29-765.0, Pacific Beach Community Park – Requirements, to CIP-29-658.0, Pacific Beach Elementary School Joint Use Improvements, Fund No. 79507, Pacific Beach Developer Impact Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend \$20,000 from CIP-29-658.0, Pacific Beach Elementary School Joint Use Improvements, Fund No. 79507, Pacific Beach Developer Impact Fees, to supplement funding previously authorized to cover additional costs to complete construction of Pacific Beach Elementary School Joint Use Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

Pacific Beach Elementary School is bound by Turquoise Street to the north, Fael Street to the east and Tourmaline Street to the south within the Pacific Beach Community Area in District 2. The improvement includes the relocation of existing play and sports equipment, and approximately 1.8 acres of irrigated and turfed multi-purpose playing fields.

On February 9, 2004, Council authorized the City Manager to enter into a Joint Use Agreement with the San Diego Unified School District at the Pacific Beach Elementary School site (O- 19259). The Agreement provides for the City to design, construct, operate and maintain approximately 1.8 acres of multi-purpose turfed playing fields on the school site.

On April 26, 2004, CDM Construction, Inc. was awarded as the low bidder and commenced construction on June 7, 2004. During construction of the project unforeseen conditions (such as extra thickness of existing asphalt) and changes to the scope of improvements resulted in additional costs.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

This request will transfer funds into the project to supplemental financing previously authorized to construct the project and to cover additional costs to complete the project.

**FISCAL IMPACT:**

The total estimated cost for this project is \$590,200 of which \$570,200 has been previously authorized. The additional funds in the amount of \$20,000 are available in Fund No. 79507, Pacific Beach Developer Impact Fees.

Herring/Oppenheim/AP

Aud. Cert. 2500582.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: Construction of the Brown Field Airport Pavement Rehabilitation Project.

(Otay Mesa Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-410)

Approving the plans and specifications for the construction of the Brown Field Airport Pavement Rehabilitation Project, and authorizing the City Manager, or his designee, to advertise for bids through City Contract Services;

Authorizing the expenditure of \$647,518 from CIP-31-174.0, Brown Field Airport Pavement Rehabilitation Project, for the purpose of pavement rehabilitation;

Authorizing the City Manager, or his designee, to execute a contract with the lowest responsible bidder, and authorizing the City Auditor and Comptroller to return excess budgeted funds, if any, to the contributing funds;

Authorizing the City Manager, or his designee, to execute a Second Amendment to Agreement with Parsons, Brinkerhoff, Quade & Douglas, Inc., the project consultants providing construction support services, in an amount not to exceed \$73,242, for a total project cost of \$164,120;

Authorizing the City Manager, or his designee, to apply for, and if granted, accept and expend \$7,500 in matching State Grant Funds;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds if grant funding is secured, from CIP-31-174.0.

**CITY MANAGER SUPPORTING INFORMATION:**

CIP-31-174.0 is a recently designed project to slurry seal and restripes the airside pavement at Brown Field Airport. This action approves the plans and specifications, execution of the advertisement, award of construction agreements, and authorizes additional funding and expenditure of all funds associated with this project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The existing condition of the runways and taxiways are showing signs of deterioration that include cracking and rutting. Many of these primary surfaces have been in existence since before the City acquired the Airport in 1962. The last rehabilitation project for a portion of these surfaces was completed in the early 1990's. The slurry seal and restripping of the airport operating areas will extend the life of paved surfaces. Design of the project was completed by Parsons, Brinkerhoff, Quade, & Douglas, Inc., and the plans and specifications were approved by the Federal and State agencies. Parsons Brinkerhoff will provide construction support management services as an Amendment to Contract No. 2.

The State of California Division of Aeronautics recently notified the City that they were authorized to make an additional Grant Offer to the City of San Diego in the amount of \$7,500 towards this project. The Manager requests authorization to apply for, accept, and expend the State Grant Offer.

**FISCAL IMPACT:**

\$647,518 from the Airport Enterprise Fund.

Herring/Griffith/Means

Aud. Cert. 2500569.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-105: Construction of the Montgomery Field Perimeter Fencing and Access Control Improvements – Phase II.

(Kearny Mesa Community Area. District 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-411)

Approving the plans and specifications for the construction of the Montgomery Field Perimeter Fencing and Access Control Improvements Project – Phase II, as advertised by Contract Services;

Authorizing the expenditure of \$833,333 from CIP-31-339.0, Montgomery Field Perimeter Fencing and Access Control Improvements Project – Phase II, Fund No. 30244, Airports Enterprise Fund, for the purpose of executing the Phase II contract and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury and also authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the City Manager, or his designee, to execute a contract with the lowest responsible bidder and authorizing the City Auditor and Comptroller to return excess budgeted funds to contributing funds.

**CITY MANAGER SUPPORTING INFORMATION:**

Phase II of the Montgomery Field Perimeter Fencing and Access Control Improvement Project (CIP-31-339.0) has been designed. Federal and State local agencies have approved the plans and specifications. The Project is ready for construction. The City Manager requests authorization to proceed.

Prior to the Project, some portions of Montgomery Field Airport were fenced, and some was not. Fence height ranged from 4-8 feet. Phase I added 8-foot fencing where none existed, completely fencing the airport perimeter. Phase II will add pedestrian, vehicle, and ADA compliant access controlled gates.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

On May 6, 2003, the Council adopted Resolution Number R-297919, which authorized the City to accept a Grant Offer (AIP No. 3-06-0211-06) from Federal Aviation Administration in the amount of \$750,000, as well as a grant from the State of California for \$37,500 for the design and construction of Phase II of this project. On June 14, 2004, Council adopted Resolution R-299322, which authorized the Airports Division to accept an increase in State of California grant funding of \$45,833. Total funding identified for Phase II is \$833,333.

**FISCAL IMPACT:**

\$833,333 to the Airport Enterprise Fund.

Herring/Griffith/Mean

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-106: Grant Funds from Robert Wood Johnson Foundation for the Pathways to Knowledge Project.

(San Ysidro Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-705)

Authorizing the City Manager to accept, expend and administer funds of \$10,000 from the Robert Wood Johnson Foundation;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to contracts, sub-contracts, applications, agreements, extensions, renewals, payment requests and amendments of future funding provided by the Robert Wood Johnson Foundation which may be necessary to carry out and administer the City's obligations, responsibilities under the terms of the grant;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend grant monies in the amount of \$10,000, contingent upon receipt of a fully executed agreement;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing account.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has been informed that it has been awarded a \$10,000 grant from the Robert Wood Johnson Foundation for a 12-month period, beginning October 1, 2004, and ending September 30, 2005, for the purpose of creating a pedestrian pathways master plan as part of the Pathways to Knowledge program in San Ysidro.

The Pathways to Knowledge program is a network of integrated pathways connecting a variety of educational and cultural elements to encourage and enhance pedestrian activity within the historic core of San Ysidro. The pathways are part of the community's City of Villages project intended to demonstrate Smart Growth policy in San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Grant funds would be used for a one-time consultant study to create a Pedestrian Pathways Master Plan and to support community outreach activities on walkability, health and safety. The overall project would be guided and implemented by a partnership including the City of San Diego Planning Department as lead agency and several local and regional organizations including Casa Familiar, Walk San Diego, San Ysidro Health Clinic, Safe and Healthy Communities Consulting and the San Ysidro School District.

**FISCAL IMPACT:**

None. The Robert Wood Johnson Foundation has provided \$10,000 for this project.

Loveland/Goldberg

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

\* ITEM-107: Construction of Electronic Speed Limit Signs in Miramar Ranch North.

(Miramar Ranch North Community Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-664)

Amending the Fiscal Year 2005 Capital Improvements Program (CIP) Budget for CIP-61-001.0, Traffic Control and Calming Measures, Fund No. 392109, BCED McMillan-Miramar Ranch North Off-Site Roads, by increasing the budget amount by \$75,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$75,000 from Fund No. 392109, BCED McMillan-Miramar Ranch North Off-Site Roads to CIP-61-001.0, Traffic Control and Calming Measures;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$75,000 from CIP-61-001.0, Traffic Control and Calming Measures, Fund No. 392109, BCED McMillan-Miramar Ranch North Off-Site Roads, solely and exclusively, for the purpose of providing funds for the construction of six electronic speed limit signs in Miramar Ranch North;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

This project will install six electronic speed limit signs in the Miramar Ranch North community. Four signs are proposed at the following locations:

- Scripps Ranch Boulevard east of Miro Circle, facing eastbound traffic
- Spring Canyon Road west of Larmier Circle, facing westbound traffic
- Scripps Poway Parkway west of Angelique Street, facing westbound traffic
- Blue Cypress Canyon south of Cypress Canyon Road, facing southbound traffic

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-107: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Two additional signs are proposed in Miramar Ranch North at locations yet to be determined. The estimated total cost of this project is \$75,000.

**FISCAL IMPACT:**

Council District 5 is providing \$75,000 as a transfer from Fund 392109, BCED McMillan-Miramar Ranch North Off-Site Roads, for this project.

Mendes/Boekamp/DZ

Aud. Cert. 2500563.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-108: Ratifying the Election Results for the Centre City Redevelopment Project Area Committee (PAC) and Centre City Advisory Committee (CCAC).

(See Centre City Development Corporation Report CCDC-04-28. Centre City Redevelopment Project. District 2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-663)

Ratifying the election results of November 3 and 4, 2004, for the Centre City Redevelopment Project Area Committee and Centre City Advisory Committee of the San Diego Redevelopment Agency of the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-109: Sewer Easement Vacation in Lots 3 and 4, Block 14, of La Jolla Park Map No. 352.

(La Jolla Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-669)

Vacating the sewer easement located within Lots 3 and 4, Block 14 of La Jolla Park Map No. 352, to unencumber his property and facilitate development of the site under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a sewer easement in Lots 3 and 4, Block 14 of La Jolla Park, Map No. 352, as shown on Engineering Drawing No. 20234-B. This site is located in the La Jolla Community Plan area, northeasterly of Pearl Street and Olivetas Avenue in Council District 1.

The easement being vacated, which runs between Ravina Street and Pearl Street parallel to Olivetas Avenue, appears to have been created in the early 1900's. Existing structures currently connect to sewers in Ravina Street and Pearl Street, as shown on Engineering Drawing No. 32783-D, making this sewer and easement unnecessary. The easement was acquired at no cost to the City, and the City has no fee interest.

Staff recommends approval of this action.

**FISCAL IMPACT:**

None.

Loveland/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-110: Sale of a Portion of Water Department Land to the Padre Dam Municipal Water District. (Santee.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-651)

Authorizing the City Manager to execute a deed conveying approximately 1.25 acres of Lots 3, 4, and 5 of Block 7 of Subdivision Tracts H and O of Rancho El Cajon, according to Map No. 817, filed in the Office of the San Diego County Recorder, in favor of the Padre Dam Municipal Water District and reserving to the City of San Diego an easement over all of the conveyed property for the El Monte Pipeline, on the terms and conditions as set forth in that certain Grant Deed and Legal Description.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego (City) purchased fee interest in a 50 foot by 1200-foot strip of land in Santee in 1945 for the El Monte Pipeline (Assessor Parcel Number 384-120-38). This strip of land bisects a parcel of land owned by the Padre Dam Municipal Water District (Padre Dam) which is currently improved with their offices. Padre Dam is interested in selling their land to a developer, and has requested to purchase the City's fee interest with the City reserving an easement to retain the existing pipeline.

City appraisal staff has determined that fair market value for the sale of the City's fee interest reserving the easement with basically the same rights that the Water Department enjoys now for the use of the El Monte Pipeline, is in the range of \$194,000 to \$230,000. Padre Dam has agreed to pay the City \$200,000 for the fee interest, with the easement reservation.

The grant deed to Padre Dam contains a reservation for an easement, which has virtually the same language contained in the original grant deed to the City in 1945 wherein the grantor at that time reserved surface use of the land.

**FISCAL IMPACT:**

\$200,000 will be deposited into Water Department Capital Outlay Fund 30246 upon close of escrow or recordation of the deed, whichever occurs first.

Herring/Griffith/MWF

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-406)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- \* ITEM-112: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-678)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-113: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-681)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- \* ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-586)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

**ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS**

**COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
ORDINANCE TO BE INTRODUCED WITH RESOLUTION TO BE ADOPTED:**

ITEM-150: Two actions related to Bid Protest Bonds and Clean Up Revisions to City's Public Contracting Ordinance.

(See City Manager Report CMR-04-174; and City Manager Report CMR-05-002, not available at Committee.)

**TODAY'S ACTIONS ARE:**

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2005-77)

Introduction of an Ordinance amending Chapter 2, Article 2, of the San Diego Municipal Code by amending Division 8, Section 22.0807, relating to Debarment; by amending Division 30, Sections 22.3003, 22.3006, 22.3026, 22.3029, 22.3036, and 22.3037, Division 31, Section 22.3102 and Division 32, Sections 22.3212, and 22.3223, all relating to Administration of Contracts.

Subitem-B: (R-2005-645)

Amending Council Policy No. 000-29, titled Hearing Procedures for Protests of Contract Selection or Non-Responsibility Designation.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 08/04/2004, NR&C voted 4 to 0 to approve the City Manager's recommendations. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
RESOLUTIONS:

ITEM-151: Four actions related to Torrey Pines Golf Course Projects.

(See City Manager Report No. CMR-04-247 and letter from John Beaver dated 11/10/2004; City Manager Report No. CMR-05-005 and memorandum from Ellen Oppenheim dated 12/17/2004, not available at Committee. University Community Area. District 1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2005-676)

Amending the Fiscal Year 2005 Capital Improvements Program by adding CIP-25-012.0, Torrey Pines Golf Course Renovation;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$400,000 to CIP-25-012.0, Torrey Pines Golf Course South Course Renovation from CIP-25-005.0, Torrey Pines Golf Course North Course Renovation;

Authorizing the expenditure of an amount not to exceed \$400,000 from CIP-25-012.0, Fund No. 41400, Golf Enterprise Fund, for the construction of Torrey Pines Golf Course South Course Renovation;

Authorizing the City Manager to enter into an agreement not to exceed \$3,332,591 with Kubley Golf Course Construction, Inc. for the design/build services for the Torrey Pines Golf Course North Course Renovation and Torrey Pines Golf Course South Course Renovation;

Authorizing the expenditure of an amount not to exceed \$3,332,591 from CIP-25-005.0, Fund No. 41400, Golf Enterprise Fund, for the construction of Torrey Pines Golf Course North Course Renovation.

Subitem-B: (R-2005-703)

Authorizing the City Manager to enter into negotiations with the Century Club for design and construction management for the construction of the new clubhouse at the Torrey Pines Golf Course.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
RESOLUTIONS: (Continued)

ITEM-151: (Continued)

Subitem-C: (R-2005-677)

Authorizing the City Manager to establish a nine hole rate for the South Course at Torrey Pines Golf Course: \$25 for weekdays and \$30 for weekends (Fees);

Directing the City Manager to review the above Fees annually to ensure that all reasonable costs incurred in providing services are being recovered and to approve fee schedules whenever possible in accordance with the City of San Diego Administrative Regulation 95.25;

Directing the City Clerk to amend the City Ratebook to include the Fees;

Authorizing the City Manager to adopt a schedule for discounted greens fees as needed to accommodate construction of the North Course maintenance and improvements.

Subitem-D: (R-2005-675)

Certifying that the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Torrey Pines Golf Course Projects (Project);

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
RESOLUTIONS: (Continued)

ITEM-151: (Continued)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 11/17/2004, NR&C voted 4 to 0 to (1) accept the report; 2) refer the tee-time issue to come back to the Natural Resources and Culture Committee in 90-120 days and revisit the brokerage issues at that time; 3) regarding the Volunteer Divot Program, direct the City Manager to meet with the marshals and the volunteers the golf course has lost to find out what would be acceptable in order to bring them back; and 4) direct the City Manager to grandfather in the Back 9 issue into the rate structure. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

Aud. Cert. 2500615.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**ORDINANCE TO BE INTRODUCED:**

ITEM-200: Amending the San Diego Municipal Code Related to the City's Contribution.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-36)

Introduction of an Ordinance amending Chapter 2, Article 4, Division 8, of the San Diego Municipal Code, by amending Section 24.0801, relating to the City's contribution.

**SUPPORTING INFORMATION:**

This amendment to Section 24.0801 of the San Diego Municipal Code deletes a reference to the prior agreements entered into by the San Diego City Employee's Retirement System and the City of San Diego. These agreements, otherwise known as Manager's Proposals I and II, established the City's contribution to the Retirement System. As part of the Settlement Agreement in the Gleason litigation, the City has agreed to delete this reference.

Gwinn

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTION:**

ITEM-201: Revised Master Plan for Undergrounding of Utilities – Fiscal Year 2005 Annual Allocation.

(See City Manager Report CMR-05-001. Citywide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-622)

Adopting a revised Master Plan for undergrounding of overhead utilities and approving an allocation of underground conversion projects totaling \$41.4 million for Fiscal Year 2005 as stated in the City Manager Report.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Settlement Claim Against the Performance Bond of M. L. Little Beaver Construction Company for Completion Costs of the Beckworth Library Construction Project.

(R-2005-644)

Adopted as Resolution R-299923 on 11/29/2004.

A Resolution approved by the City Council in Closed Session on Monday, November 29, 2004 , by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; District 4-vacant; Maienschein-yea; Frye-not present; Madaffer-yea; Inzunza-yea; Mayor-yea.

Approving the settlement of the City of San Diego's claim against the performance bond of M. L. Little Beaver Construction Company accepting \$117,143 as completion costs for the construction of the Beckworth Library project;

Authorizing the City Manager to execute the agreement accepting the completion costs of \$117,143 in exchange for a general release of liability to the Surety;

Authorizing the City Manager to accept the Surety's agreement to defend and indemnify the City for any and all claims and liens filed by the Former Contractor's subcontractors;

Authorizing the City Auditor and Comptroller to accept funds in the amount of \$117,143. This constitutes the completion cost for the Beckworth Library Construction Project in full settlement of all claims against the Surety.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval - LXJ Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "LXJ Condominiums" (T.M. No. 42479), located southwesterly of 51<sup>st</sup> Street and Trojan Avenue in the Mid-City: City Heights Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

**ITEM-252: Notice of Pending Final Map Approval – Sycamore Estates Phase II.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Military Facilities Reserve Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – 3783 36<sup>th</sup> Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3783 36<sup>th</sup> Street” (T.M. No. 50956 PTS No. 56125 JO No. 423656), located southeasterly of Wightman Street and Landis Street and 46<sup>th</sup> Street in the Mid-City: Normal Heights Community Planning Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT